

IV. REMARKS

1. Claims 1-17 remain in the application. Claims 4, 6, 8, and 12 have been amended.

2. The specification has been amended to correct a typographical error.

3. Figure 1a has been amended to include the designation --Prior Art-- and to change "PSPDN" to --PSDN--. A replacement sheet is appended to this response.

4. Applicants appreciate the indication that claims 4-6, 8, 12, and 13 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Accordingly, Applicants have amended claims 4, 6, and 8 to include all the limitations of claim 1, and have amended claim 12 to include all the features of claim 9.

5. Applicants respectfully submit that claims 1-3, 9-11, 15, and 16 are patentable over the combination of Puuskari (WO 99/48310) in view of Alperovich et al. (US 6,728,215, "Alperovich").

The combination of Puuskari and Alperovich fails to disclose or suggest that the properties of the wireless terminal affecting the data transmission connection are examined and compared with at least one parameter affecting the quality of service determined by an application, as recited by claim 1.

The combination of Puuskari and Alperovich also fails to disclose or suggest means for determining the properties of

the wireless terminal affecting the data transmission connection, and means for comparing said properties with at least one parameter affecting the quality of service determined by said application, to find out if any determined property of the wireless terminal restricts the quality of service of the data transmission connection with respect to any of said at least one parameter, as recited by claims 9 and 15.

The present Office Action correctly points out that Puuskari fails to disclose or suggest these features. Applicants respectfully submit that Alperovich also fails to disclose or suggest these features.

Puuskari describes a method for controlling a quality of service in a mobile communications system. The system has a packet data transmission capability. A dynamic packet-based quality of service mechanism is provided using a packet data protocol (PDP) context. The PDP context is used as a tunnel through which different kinds of QoS can be provided for data communication. Each data packet carries at least one QoS parameter and the scheduling and policing of the transmission of data packets is made on a packet by packet basis according to the QoS information in the packets, however, only within the limits set by the PDP context. There can be many different QoS profiles in use simultaneously. Each QoS profile can be dedicated for one Internet user application run in the mobile station.

However, Puuskari does not provide a system for determining whether there is an appropriate QoS profile available for fulfilling the requirements of an application.

Alperovich discloses a telecommunication system and method for allowing a mobile station to determine whether or not to place a wireless call through an IP based LAN based upon broadcasted QoS information. In Alperovich there is a so called gatekeeper within the IP base LAN which is responsible for allocating bandwidth to requesting hosts. The gatekeeper has access to the QoS information from the IP based LAN and periodically sends the QoS information to the mobile network (PLMN). In the mobile communication network the QoS information is transmitted through a mobile switching centre (MSC) to a base station controller (BSC) which sends the QoS information to a mobile station. The mobile station receives this QoS information and uses it to decide upon a transport method to complete outgoing wireless calls, such as through the IP based LAN, through the PLMN, or through another IP based LAN. The mobile station uses this information to decide upon a transport method to complete outgoing wireless calls i.e. whether to place a call over either a PLMN cell within the PLMN network or another LAN based network. A threshold value can be saved into the mobile station wherein a comparison application within the mobile station can compare the received QoS with the stored threshold value and decide which network to use to complete the call.

As mentioned above, Alperovich does not teach that the properties of the wireless terminal affecting the data transmission connection are examined and compared with at least one parameter affecting the quality of service determined by an application. The comparison application of Alperovich does not determine any parameters for the quality of service. It is only used for performing the

comparison (hence the name "comparison application"). Further, the properties which are compared are not the properties of the wireless terminal but the properties of the network. Therefore, a skilled person would not end up to the present invention by combining teachings of Puuskari and Alperovich.

Thus, the combination of Puuskari and Alperovich fails to disclose or suggest all the features of Applicants' claims

At least for these reasons, independent claims 1, 9, and 15, and dependent claims 2, 3, 11, 10, and 16 are patentable over the combination of Puuskari and Alperovich.

6. Applicants respectfully submit that claims 7 and 14 are patentable over the combination of Puuskari and Alperovich in view of Turumen et al. (US 6,690,679, "Turumen").

Claim 7 depends from claim 1. Turumen fails to supply the feature of claim 1 missing from the combination of Puuskari and Alperovich, that is, that the properties of the wireless terminal affecting the data transmission connection are examined and compared with at least one parameter affecting the quality of service determined by an application.

Claim 14 depends from claim 9. Turumen fails to supply the feature of claim 9 missing from the combination of Puuskari and Alperovich, that is, means for determining the properties of the wireless terminal affecting the data transmission connection, and means for comparing said properties with at least one parameter affecting the quality of service determined by said application, to find

out if any determined property of the wireless terminal restricts the quality of service of the data transmission connection with respect to any of said at least one parameter.


7. Applicants respectfully submit that claim 17 is patentable over the combination of Puuskari and Alperovich in view of Chiang et al. (US 6,594,277, "Chiang").

Claim 17 depends from claim 15. Chiang fails to supply the feature of claim 15 missing from the combination of Puuskari and Alperovich, that is, means for determining the properties of the wireless terminal affecting the data transmission connection, and means for comparing said properties with at least one parameter affecting the quality of service determined by said application, to find out if any determined property of the wireless terminal restricts the quality of service of the data transmission connection with respect to any of said at least one parameter.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,


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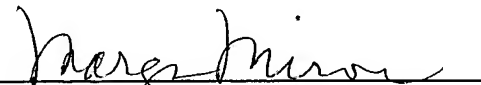
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